

24-4-103 Initiating forfeiture proceedings -- Notice of intent to seek forfeiture.

- (1)
- (a) Within 30 days from the date that property is seized, an agency seeking to forfeit property shall serve a notice of intent to seek forfeiture upon any claimants known to the agency.
 - (b) The notice of intent to seek forfeiture shall describe the:
 - (i) date of the seizure;
 - (ii) property seized;
 - (iii) claimant's rights and obligations under this chapter, including the availability of hardship relief in appropriate circumstances; and
 - (iv) statutory basis for the forfeiture, including the judicial proceedings by which property may be forfeited under this chapter.
 - (c) The notice of intent to seek forfeiture shall be served by:
 - (i) certified mail, return receipt requested, to the claimant's known address; or
 - (ii) personal service.
 - (d) The court may void any forfeiture made without notice under Subsection (1)(a), unless the agency demonstrates:
 - (i) good cause for the failure to give notice to the claimant; or
 - (ii) that the claimant had actual notice of the seizure.
- (2)
- (a) Once the agency has served each claimant with a notice of intent to seek forfeiture, but no later than 60 days from the date that property is seized, the agency shall present a written request for forfeiture to the prosecuting attorney.
 - (b) The written request shall:
 - (i) describe the property to be forfeited; and
 - (ii) include a copy of all reports, supporting documents, and other evidence necessary for the prosecuting attorney to determine the legal sufficiency for filing a forfeiture action.

Enacted by Chapter 394, 2013 General Session